

In accordance with my statutory responsibility as the Child Advocate, I respectfully submit this annual report reviewing the twenty second year of this Office's operation. The placement crisis regarding children in DCYF care dominated the attention of the office in 2002. Of greatest concern were the Night-to-Night placement of children, conditions at the Rhode Island Training School for Youth and the design of the continuum of care for youth in DCYF custody. These issues continue to present significant challenges to the office in its effort to improve the care and treatment of adolescents in state custody.

Despite Federal Court Consent Decrees, Night-to-Night placement of children escalated in 2002. Accordingly, in May 2002, the Office filed a Petition in the United States District Court for Rhode Island to Adjudge the Director in Contempt of the Second Amended Consent Decree, which had been entered by agreement in August 2001. Despite the lapse of sixteen years since the original complaint was filed, the Director hired private counsel to file a Motion To Dismiss the suit based on principles of standing and sovereign immunity. Briefs were filed by both sides and arguments were heard in September 2002. On November 26, 2002, Magistrate Judge Robert Lovegreen issued his opinion, recommending to the court that the Motion to Dismiss be denied on all grounds. The Director has filed an objection to the Magistrate's Report and the case is currently pending. In the meantime, however, the Night-to-Night placement of children continued unabated, with 487 children being placed Night-to-Night for at least one night in 2002.

The Office continued to advocate for adequate and appropriate resources for youths sentenced to the Rhode Island Training School for Youth. In 2002, the Office participated in conferences and meetings with representatives of DCYF, legal counsel for the residents and the federal masters to resolve the ongoing problems. Issues related to the medical and dental care of residents; post-secondary educational opportunities; programs available to female residents and the siting, design and programming for the new training school have dominated these discussions.

The Office monitors the care of children placed in residential facilities by DCYF. In addition to reviewing the continuum of care available to youth in DCYF care, site visits are made annually to each of the 105 facilities around the state. Most residential care slots are devoted to the care of adolescents. During the site visits, the Senior Monitoring Officer and the Chief Field Investigator review the quality of the care provided to the youth as well as the physical premises where they are lodged. At each site, residents are interviewed to gain an appreciation for the quality of life from their perspective. After the site visit, the Senior Monitoring Officer and the Chief Field Investigator prepare a report reviewing their findings and making suggestions for improvements, if appropriate. On

occasion, a complaint is received by this Office alleging improprieties in the care of residents in a child care facility. Office staff often collaborates with DCYF program monitors and/or CANTS inspectors to investigate the allegations and develop corrective plans, if necessary. In 2002, the office undertook four joint investigations of residential facilities with DCYF, all resulting in corrective action to improve conditions for residents.

Via its Inter-Agency Agreement with the R.I. Department of Education, the Office continues to provide surrogate parent services to educationally disabled children and youth who are in state care and who have no parents able to act on their behalf in education matters. With a combination of professional, volunteer and foster parent advocates, the Office serves between 1000 - 1200 students annually by insuring that they receive a diagnostic assessment followed by individualized educational planning designed to meet their special needs. Educational advocates also take an active role in disciplinary actions proposed for the students they represent. Since November 1994, the program has served 2939 children. In 2002, 250 cases were opened and 160 cases were closed. As of December 31, 2002, three full-time advocates, four part-time advocates, and the Program Director are providing services to approximately 1028 youngsters in the care of DCYF.

Project Victim Services completed its eleventh full year of operation. With a Federal Victims of Crime Act (VOCA) grant, renewed and funded in October of 2002 by the R.I. Justice Commission, the Office files victims' compensation claims on behalf of children in State care and assists children who are involved simultaneously in child welfare, law enforcement and court systems. In 2002, the Office reviewed 364 claims for potential filing through the administrative system at the General Treasurer's Office and distributed awards in the amount of \$272,097 to 16 victims whose claims were filed by the OCA in prior years.

During the 2002 legislative session, the Office focused on legislation that would increase state funding for education on the effect of "Shaken Baby Syndrome" and require comprehensive home studies on prospective adoptive parents. The Office will continue its mission to make our laws more attuned to the rights of the adopted child. During the legislative session, the office tracks bills that seek to amend or establish laws related to children. At the end of the legislative session, a public document summarizing all of the laws affecting children enacted in 2002 was published and is available on our web page.

Office staff has participated in numerous policy meetings and task forces that solicit the input of the community on regulations and implementation strategies. Most notably, the Office contributed to task forces targeting the revision of DCYF Adoption Policy Regulations, and the Ideal System of Care. Of particular interest to this Office are variances from restraint and crisis intervention regulations and the standards utilized to assess these requests as well as other health and safety issues involving all out-of-home placements of

children and youth in DCYF care.

As I submit this Annual Report for 2002, I acknowledge the continued, valued support of the community. Without the advice and assistance of the physicians, social service professionals, attorneys, students, child care providers, law enforcement professionals, local college and university faculty and community volunteers who have donated their time and expertise, this Office simply could not meet its statutory obligations.

Laureen D'Ambra

Child Advocate

MISSION STATEMENT

In 1980, the Child Advocate's Office was established by statute to protect the civil, legal and special rights of all children involved with the Department of Children, Youth and Families.

The chief purpose of this Office is to monitor DCYF and its operations. Children are placed with DCYF for a variety of reasons, but most often because their parents are unable or unwilling to care for them. Many are victims of abuse and neglect. It is the Office's mission to ensure that DCYF provides children in its care with adequate protection and quality services, while ensuring respect for their individual rights and dignity.

On December 31, 2002, there were 8327 children whose cases were active with DCYF, including 2444 children whose adoptions are subsidized through DCYF. Of the 5878 children in DCYF custody, 2,499 were placed in out-of-home care. The Office discharges the state's institutional abuse investigation obligations under the federal Child Abuse Prevention and Treatment Act by reviewing allegations of abuse of children in substitute residential care, foster care, and day care and taking appropriate action where necessary.

Additionally, the Office responds to the complaints of children and families seeking assistance from DCYF even when the children are not in DCYF's care. Each year the Office responds to approximately 800 questions and complaints from children, professionals, parents and private citizens.

In order to protect the rights of children involved with DCYF, the Office also works with service providers outside DCYF such as local and state education agencies. The Office is statutorily empowered and required by law to take legal action when the legal, civil and special rights of children in DCYF care are violated by the state or any other entity, public or private, entrusted with their care.

The statutory powers of the Office are contained in Rhode Island General Laws §§42-73-7 and 40-11-1 et seq. Prominent among those powers are those to:

(1) Insure that each child in protective care, custody or in treatment; and in proper cases, others interested in the child's welfare are apprised of the child's rights;

(2) Review periodically the procedures established by DCYF;

(3) Review complaints of persons and investigate those where it appears that a child may be in need of assistance from the Child Advocate;

(4) Periodically review the facilities and procedures of any and all institutions and/or residences, public and private, where a juvenile has been placed by the Family Court or DCYF;

(5) Recommend changes in the procedures for dealing with juvenile problems and in the systems for providing child-care and treatment;

(6) Take all possible action including, but not limited to, programs of public education, legislative advocacy and formal legal action, to secure and ensure the legal, civil and special rights of children involved with DCYF;

(7) Review orders of the Family Court relating to juveniles with power to request reviews as required by the best interests of the child;

(8) Investigate institutional abuse complaints;

(9) Investigate, in accordance with the established Rules and Regulations adopted by the Child Advocate, the circumstances relating to the death of any child who has received services from DCYF; and

(10) Commence in the Superior Court a civil action on behalf of child victims of crime in the care of DCYF, in accordance with Chapter 12-25 entitled "Criminal Injuries Compensation" of the General Laws, against the state for compensation.

STAFF

Laureen D'Ambra, J.D. is the Child Advocate. She is an attorney with twenty-three years of trial and appellate experience in the area of children's law, child abuse, child neglect and termination of parental rights cases. Formerly legal counsel for the Department for Children and Their Families, she has served as the Child Advocate since January 1989. She is an Adjunct Professor at Rhode Island College School of Social Work and teaches Social Work and the Law and Child Welfare Policy to graduate students in the Master's Program. Mrs. D'Ambra lectures on the national child welfare circuit and has published numerous articles on children's legal issues.

Sharon O'Keefe is an Assistant Child Advocate. Joining the staff in the fall of 1992, Ms. O'Keefe possesses both J.D. and M.S.W. degrees. She has served as a staff attorney in the Court Appointed Special Advocate's Office, Legal Counsel to the Department of Labor/Workers Compensation and Chief Appellate Attorney at the Attorney General's Office, among other positions, during her twenty two years of practicing law. She is the author of *Rhode Island Child Welfare Law: A Lawyers Guide*, printed by the Rhode Island Bar Association in December 1998 and the Annual Reports issued by the office. Ms. O'Keefe is a member of the R.I. Supreme Court Committee on Character and Fitness.

Doris Gardiner, L.I.C.S.W., a graduate of Rhode Island College School of Social Work, is the Senior Monitoring and Evaluation Specialist for the Child Welfare Unit. Along with her general duties, she directs the review of residential care providers and supervises MSW interns from Rhode Island College. She monitors the services DCYF provides to residents at the Training School. Ms. Gardiner is Vice-Chair of the Juvenile Justice Advisory Committee of the Rhode Island Justice Commission; Chair, Nominating and Leadership Committee of the National Association of Social Workers, RI Chapter; Member of the Board at Large, Elizabeth Buffum Chace House and Chair, Awards Committee, R.I. Juvenile Officers Association. Ms. Gardiner joined the Office staff in 1997 after serving 21 years as a police officer in Warwick.

Janette Dion Fontes, L.I.C.S.W., a graduate of Rhode Island College School of Social Work, is the Chief Field Investigator. Ms. Fontes reviews all reports of institutional abuse forwarded by DYCF. She collaborates with the Senior Monitoring and Evaluation Specialist in the annual review of residential facilities utilized by DCYF to care for children in its custody. She monitors the services to and progress of children in voluntary placement and supervises MSW interns from Rhode Island College. Ms. Fontes represents the Office on the DCYF Child Care Regulation Review Committee and the Crisis Intervention and Restraint Variance Committee. She is also a member of the Nominating and Leadership

Committee of the National Association of Social Workers, RI Chapter. She joined the Office in 1998.

Arlene Brown joined our staff in the fall of 1992 as the Office's full-time Administrative Secretary. She serves as the Office Manager of the Child Welfare Unit. She comes to the Office with over 30 years experience as a legal secretary, legal assistant and office manager.

Valerie Francis, Case Manager of the child victim compensation cases - Project Victim Services, is a graduate of Rhode Island College, with a Paralegal Studies Certification from the University of San Diego. She joined the Office in 1998, bringing to it several years of experience as a paralegal. This position is funded by a federal grant awarded under the Victims of Crime Act.

Pamelee McFarland, J.D. is a part-time Legal Counsel. She is a graduate of the Dickinson School of Law and has focused on litigation, appellate brief preparation and teaching law during her twenty-five years of legal practice. Currently, she is writing a handbook on the rights of juveniles that has been funded by a grant from the Rhode Island Foundation.

Patricia Beede, J.D. is Project Director of the Educational Surrogate Parent Program. She has 24 years experience as a litigator and trainer in special education and family law. Prior to joining the Office in October 1994, she was a staff attorney for R.I. Legal Services and maintained a private practice.

Katherine Greenwell is the part-time Administrative Assistant of the Educational Surrogate Parent Program. She is a graduate of CCRI and joined the Office in 1996 with 9 years experience as an office manager, legal secretary and legal assistant in a private law office.

Lynn DeMerchant is a Senior Monitoring and Evaluation Specialist in the Educational Surrogate Parent Program since 1997. Mrs. DeMerchant has a Master's degree in Special Education from Central Connecticut State College and many years experience, both as a teacher and administrator, addressing the special education needs of students with disabilities.

Melissa D'Arezzo Brusso, is a part-time Case Management Coordinator in the Educational Surrogate Parent Program. After earning a Bachelor's Degree from Providence College, Ms. Brusso was awarded a Master of Arts in Teaching from Rhode Island College, in 1996. Prior to joining the Office in August 1994, she was employed as a Project Coordinator for Dawn For Children and as a substitute teacher.

Stephanie Chaplin, a graduate of the University of Rhode Island, is a full-time Case Management Coordinator in the Educational Surrogate Parent Program. She has several years experience directing and coordinating children's

programs for community agencies and served as a substitute teacher in Woonsocket for five years before joining the Office in August 1994.

Cynthia Albanese is a full-time Case Management Coordinator in the Educational Surrogate Parent Program. After earning a Bachelor of Science in Education at N.W. Missouri State College, Ms. Albanese spent over thirteen years teaching and has taken post-graduate courses at Rhode Island College in public education and pre-school programs. She joined the Office in August 1994.

Maryellen Haggerty, a graduate of the University of Rhode Island, is a part-time Case Management Coordinator in the Educational Surrogate Parent Program. She brought five years experience with special needs children to her position as an educational surrogate parent when she joined the Office in 1994.

Maria Heffernan is a part-time Case Management Coordinator for the Educational Surrogate Parent Program. She received a Bachelor's Degree in Psychology from the University of Rhode Island and spent several years coordinating programs for community agencies prior to joining the staff in 1994.

Joanne Brown is a full-time Case Management Coordinator for the Educational Surrogate Parent Program. She graduated from Johnson and Wales University with a Bachelor of Science Degree in Criminal Justice. She worked for the R.I. Parent Information Center for nine years assisting the parents of children with disabilities before joining the Office in 2001. In addition, Ms. Brown worked in the Women in Transition Mentoring Program at the ACI for 6 years, providing pre and post release services to women in conflict with the law.

The Office has also enjoyed the services of many student interns through the State Government Internship Program or local colleges and universities. In 2002, the Office was served by Kellie Hewitt and Kimberly Bolton of Rhode Island College School of Social Work and Jessica Woods of Roger Williams University Law School.

OFFICE ACTIVITIES DURING 2002

A. Fatality Reviews and Investigations

In accordance with state statute, the Office conducts reviews and investigates the circumstances surrounding the death of any child who dies while in the custody of DCYF, or who has had, personally, or through his or her family, prior involvement with the Department. In its preliminary stage, this review consists of the gathering of all available information regarding the deceased child and his or her family. This information includes autopsy reports, police and fire reports, court documents, DCYF files, medical records, and other social service agency records. If, after review of this material, the Office determines that the fatality cannot be linked to some action or omission on the Department's part and that further investigation would not lead to constructive recommendations for improving the department's delivery of services, the Office concludes its investigation at that point. The Office undertook eight investigations in 2002, regarding children who died in state care or whose family history included past DCYF involvement. Six cases were closed with a finding of that the death occurred due to illness or accident. Two additional cases remain open pending determination of cause of death and identification of perpetrators. Records have been subpoenaed and reviewed by the OCA.

The office also investigates instances of serious injury to children in state care. In 2002, a serious child abuse case involving a family known to DCYF was thoroughly reviewed by the OCA. The case raised issues regarding permanency planning and has resulted in a pending termination of parental rights case before the Rhode Island Family Court. A second investigation involved an infant who suffered life-threatening injuries while being cared for by the mother's boyfriend. The case was open to DCYF at the time due to the mother's drug abuse.

If the Office determines that there is a need for improvements to the child welfare or juvenile correctional systems, but that outside review by experts is unnecessary, it communicates the results of its investigations to DCYF. If serious deficiencies in the DCYF system are suspected upon initial review, a panel of experts is convened to examine all aspects of the case. Occasionally, the review of a child fatality leads Office staff to conclude that community services involved with the care of children, other than DCYF, should be examined to address gaps or deficiencies in their service delivery system. In 2002, no cases fit the above criteria for further action by the OCA.



The Office also participates in the Statewide Child Death Review Team, co-chaired by the Medical Examiner and the Director of the Child Protection Team at Hasbro Hospital. This team meets quarterly to review all child deaths occurring in R. I. to identify special trends, hazards and patterns in child mortality that might be addressed through community services, outreach, education, information or legislation.

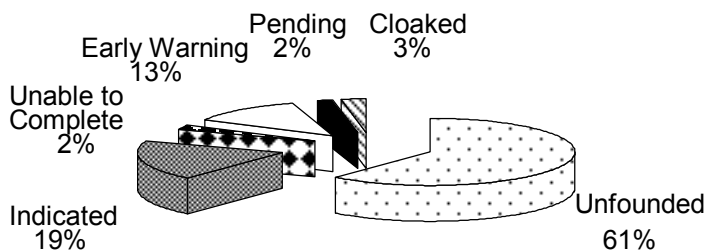
B. Institutional Abuse Reviews and Investigations



Pursuant to statute, the Office receives and reviews all allegations of abuse or neglect of children in out-of-home residential, foster care and/or day care homes. In 2002, DCYF forwarded to the Office 370 complaints, involving children allegedly subjected to institutional abuse. Office staff reviewed all reports and assessed DCYF's response to the allegations, conducting follow-up investigations as appropriate and necessary to the case allegation. The Office took some follow-up action in 85 investigations forwarded to this Office for review.

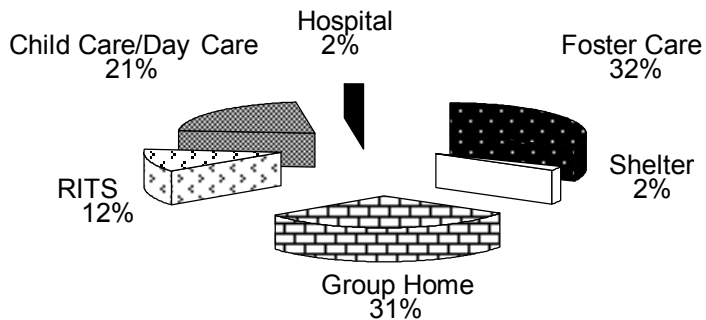
The results of institutional abuse investigations were as follows: 72 were "indicated" as abuse or neglect likely occurring; 228 were unfounded; 47 were registered as early warnings; 7 are pending; 10 are cloaked and 8 are designated unable to complete. The statistics reveal that DCYF conducted fewer institutional abuse/neglect investigations in 2002, although the same percentage was indicated.

2002 CANTS Investigations Results



The Office reviewed 118 foster home and 80 day care investigations. The number of CANTS investigations of residential facilities in 2002 has dropped dramatically to 124 investigations from 2000, when DCYF undertook 203 such investigations. The Office also reviewed 8 DCYF CANTS investigations at psychiatric hospitals. In 2002, there were 44 CANTS investigations at the Training School. This alarming increase was more than double the number conducted in 2001.

2002 CANTS Placement Investigations



Ready access to DCYF RICHIST computer system allows Office staff the capacity to review CANTS investigations from their inception to completion. This access not only allows a quicker response and follow-up by staff but also reduces the number of investigations carried as “pending” due to a lack of information. CANTS institutional abuse investigations are e-mailed to the Chief Field Investigator who can conduct an immediate review and track patterns of institutional abuse. This easy recording capacity has permitted the office to identify more issues arising in foster homes and isolate those foster homes where patterns and/or multiple complaints suggest problems not apparent in a single investigation.

Investigations often produced formal licensing action in foster care settings and day care settings, and remedial action for group residential settings. Some informal remedial action resulted from virtually every indicated case and often from cases, though “unfounded,” where program weaknesses were revealed during the course of the investigation. The Office initiated special actions with regard to 2 daycare centers, 21 foster homes and 62 residential facilities. The Office also reviews complaints related to childcare, both in terms of institutional abuse and operational deficiencies in violation of a license, or operating without a license.

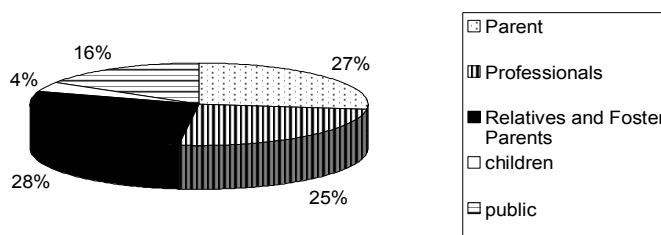
After reviewing the completed CANTS investigative reports involving institutional abuse, which include conclusions and recommendations, the Office of the Child Advocate concurred with the department's stance in a high percentage of cases. When there were disagreements, negotiations normally resulted in the adoption of specific action recommended by the Office of the Child Advocate, including but not limited to further investigation, and/or a reopening of the case if necessary. When the need arose, CASA was notified immediately of concerns about placements.

C. Complaints and Inquiries



In 2002, over 865 formal inquiries requests for assistance were made directly to the Office. Office staff records each inquiry and utilizes a computerized filing system that allows retrieval by the name of the caller, and/or date of calls. Twenty seven percent of the calls were from parents, 24% were from professionals representing medical, social service, educational and other professionals, 28% were from relatives and foster parents of children, 5% were from children and the remaining 16% of calls were from the general public.

2002 Complaints and Inquiries



The nature of inquiry calls demonstrates the important role played by the Child Advocate's Office as a clearinghouse for information on legal issues related to children. Of the 865 calls documented, only 340 involved DCYF matters. E-mail access has significantly increased inquiries to the office and broadened our base to include out-of-state complaints involving Rhode Island children in state care, as well as legal inquiries. Staff tracks calls relating to educational, domestic and legal problems. Many callers posed questions about domestic situations or other legal issues. Calls to the office can be as simple as a request for the phone number of the child support enforcement agency or as complicated as a report from another professional that a child's mother has died and Legal Guardianship remains unsettled. Every member of the OCA staff answers inquiry calls, although, most are handled by trained social work staff and case management coordinators.

The Office's responses include: provision of information and/or materials (244); investigation and/or response to complaints (265); consultation and/or advice (291); and referrals to other agencies (424).

D. Voluntary Placements

The voluntary placement statute enables parents, under certain circumstances, to place children in the care of DCYF without surrendering custody. During 2002, as a result of state and federal permanency planning laws, the Office has been involved in ongoing case planning for 38 children in voluntary placement, an increase of over 40% since 2001. In 15 cases, the voluntary placement extended for more than one year.

Although the number of children in voluntary placement in 2002 averaged about 80 children/youth per month, by December it had escalated to over 100 children in voluntary placement with DCYF. Results of the OCA monitoring process revealed that the majority of voluntary admissions lead dependency petitions prior to and in lieu of the voluntary placement court review required at 180 days. The office undertakes legal representation of only those children whose voluntary placement exceeds six months. After 120 days, DCYF is required to file a Miscellaneous Petition for review of the child's placement and permanency plan by the Family Court. The review occurs within 60 days after the petition is filed. The Assistant Child Advocate appears on behalf of the children in court hearings involving these voluntaries and monitors the department's compliance with other laws requiring court reviews, case planning and permanency hearings for these children.

In 2002, the Assistant Child Advocate attended 65 court reviews on children in voluntary placement with the department. Prior to the court hearing, professional staff at the Office interviews the child, reviews the case plan and discusses permanency plans with DCYF social workers, therapists and the parents. The Office monitors the child's progress in placement, attends treatment team and discharge planning meetings and makes recommendations to the court as to the child's best interests.

In some cases, the Office makes a recommendation to DCYF and/or the Family Court that a formal dependency petition be filed. In 2002, DCYF filed dependency petitions in eight cases where the OCA represented the child in Family Court. OCA involvement is terminated once a dependency petition is filed, because at this juncture CASA is automatically appointed as the child's guardian by statute. Most of these cases involved severely disabled youth who will be transitioned into the adult care system when they reach their 21st birthday. Of the 37 youth represented by the OCA in 2002, ten children/youth were reunified with their families.

E. Facilities Review

Since 1989, in accordance with its statutory duties, the Office has conducted a review of residential child-placement facilities contracting with DCYF. From time to time, over the years, the office has revised its protocol and

site-review checklists as the number, diversity and range of child placement facilities grew from fifty in 1989 to one hundred and five in 2002.

Site visits continued in 2002 to most of the 105 facilities operated by twenty-three agencies. Site visits are made both to the community-based programs contracted by DCYF, and the Purchase of Service programs in Rhode Island where DCYF places children. Children's rights brochures prepared by the OCA, both in English and Spanish, are distributed to youth at the site visits to encourage and facilitate their contact with the Office. In 2002, the OCA completed six site visits in concert with DCYF Program monitors. This collaborative effort enhanced the reviews by OCA staff due to the program monitor's comprehensive understanding of the history of the facility as well as their relationships with the youths in residence. Special investigations, jointly initiated due to serious allegations of deficiencies in quality of care, help ensure compliance and facilitate prompt remedial action.

Residential care issues that were emphasized by the Office in 2002 included: safety and security issues – such as knives and medications stored unsafely, insecure or non-existent hand rails on stairs, confidentiality of visitor sign-in sheets; quality of care – such as provision of foods in particular demand by culturally diverse residential populations; condition of furnishings, household goods and cleanliness; compliance with restraint and crisis intervention regulations; and training of child care staff on various issues relevant to residential treatment. On one site visit, staff noted multiple physical plant issues in the group home. Exposed electrical wiring, unstable flooring, broken windows and screens, holes in walls and a failed fire inspection required relocation of all residents until repairs were completed.

The monitoring of youth placed at a large residential facility also came under scrutiny by a joint DCYF-OCA team in 2002. Their policies and procedures for reporting AWOL residents and for reviewing the behavior of residents while on home visits were revised as stricter oversight was demanded by DCYF. The facility failed its fire inspection and immediate upgrades were ordered. Record keeping, including communication and fire drill logs, was also a focus. DCYF placed this program on probationary status until all issues were resolved.

A corrective action form, developed by the OCA, identifies any weaknesses in the program or the physical plant. In 2002, corrective actions were recommended in over 90% of the facility reviews. The average time frame for corrections to the physical plant is approximately two weeks while recommendations for policy or programmatic changes are acted upon immediately. As a result of this follow-up, the Office of the Child Advocate has documentation of improvements or changes in the program and/or facility.

The Office is represented on the DCYF committee that is revising the Child Care Regulations. Of major interest to the office are provisions that support and

insure the rights of children placed in these facilities. Among the issues emphasized by the OCA are: limitations on searches of residents; recognition of private property rights of residents; the right of residents to send and receive mail; training, re-training and certification of child care staff; quality of care and comfort in the physical plant; attaching responsibility for ensuring that the education, health and religion of the residents is addressed and development of appropriate programming and activities for residents while they are at the facility. The new regulations were finished in draft in 2001 and expected to be promulgated in 2002. However, final approval has yet to be achieved. The Chief Field Investigator also participates in the Committee to review variances sought by agencies wishing to deviate from the rules and regulations regarding crisis intervention and restraint. These issues are addressed on a case-by-case basis by the committee, which has the authority to grant or deny exceptions on an individual basis.

In addition to the formal reviews discussed above, Office staff made on-site facility reviews, as warranted, in response to a specific allegation of institutional abuse, a request for assistance from a child or staff member at a facility, or requests for an investigation from the Family Court. The OCA addressed complaints from children about inappropriate searches of their persons, improper and involuntary hospitalization at psychiatric facilities, inadequate amounts of food in the group home and invasion of privacy issues regarding mail.

In 2002, the OCA received a complaint of maltreatment of a child at a shelter. The complaint was initially investigated by CANTS and unfounded. This complaint was accompanied by a report that children were being escorted with hands on by staff when they were non-compliant with requests to go from one place to another. The DCYF monitor advised the shelter to immediately discontinue the physical escort on the stairways, and in conjunction with the OCA, he commenced an investigation of the complaint of maltreatment. Working as a team, OCA and DCYF staff conducted an audit of records, reviewed the original CANTS report, examined program policies, interviewed staff, met with the program director, house manager and the President of the Board and viewed the site of the alleged mistreatment. Following the investigation, the team recommended that the staff be retrained in areas of suicidal ideation and in report writing.

In March 2001, the Senior Monitor learned of instances where residents of a community based group home for sex offenders were unsupervised by staff. An investigation by this Office led to the firing of two staff members, enhanced supervision and training for all staff working in this program and the development of a corrective action plan with firm timelines for implementation. However, in September 2002, the OCA first discovered through its review of CANTS investigations that the same agency had opened two additional community-based group homes for sex offenders in Providence. Questions about the safety of residents placed in these facilities as well as the safety of the community arose

again due to claims of inadequate supervision and insufficiently trained staff. The OCA continues to be involved in discussions regarding risk assessment of sex offenders deemed appropriate for community placement; clinical support, training and supervision of staff and programming issues for residents.



The Office's Senior Monitor visits the Training School at a minimum of once weekly and keeps constant surveillance on the programmatic and physical plant issues that often arise there. Post Secondary education, overcrowding and gender specific programming are among her most persistent concerns. In collaboration with the Federal Master, she reviewed *Unusual Incident Reports* in order to make recommendations for training of juvenile program workers in departmental restraint policies. She also monitored the renovations being conducted in Building #7, contributed to the *Youth Policy and Procedure Manual For Residents*, and assisted DCYF Child Protective Services staff with a training of RITSY staff to help them identify incidents that should be reported to the CANTS Hot Line.

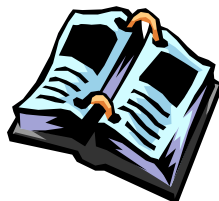
Suicide prevention for residents of the Training School is another area of major focus by the Office. Suicide attempts, although not common, do occur at the Training School. Throughout 2001 and 2002, the Senior Monitoring Officer has co-facilitated the Suicide Prevention Sub-committee of the Training School Mental Health Policy Committee. In 2001, the lack of rescue and medical tools available on the units to quickly treat a potential suicide was identified as a priority concern. A consultant recommended "911 Rescue Tools", a fully stocked First Aid Kit and CPR training as a bare minimum for each unit. The tools and kits were approved by the Superintendent and staff were trained in their use. However, the rescue tools were not placed in the units due to questions about whether the particular tools purchased were suitable. Discussions regarding these issues are ongoing.

On occasion, a resident of the Training School will complain to a Family Court Judge or his/her attorney that she/he has suffered excessive or inappropriate discipline from Juvenile Program Workers at the Training School or about deficiencies in the physical plant, such as a lack of heat or hot water in the units; disgusting and deteriorating condition of shower facilities and clogged drain pipes flooding the kitchen area of the Girl's Unit. When these matters are referred to the Office, staff performs a thorough investigation of the allegations and takes whatever action is appropriate under the circumstances. In 2002, the OCA became aware of serious sewerage overflow problems that were causing putrid odors around Building #1. Upon inquiry it was discovered that overflow from drainage systems leading through the RITSY site from the ACI were contributing to the problem. These hazards were effectively re-mediated.

The Senior Monitor is also active on other Training School Policy committees. She is a co-chair of the Gender Specific Programming Committee

and participates in the Re-socialization Committee. In the Post-Secondary Education Committee our efforts were focused on the development of meaningful short-term programs to enhance the employability of residents upon release. This is a neglected area that will be targeted for further action by the OCA in 2003.

F. Public Education



The Office prepared and disseminated on our web page Rhode Island Laws Affecting Children, covering the legislation enacted by the General Assembly during its 2002 Session. Released as a public document, it summarizes all legislation that impacts directly upon children in Rhode Island, whether or not in the care of DCYF.

In April 2002, the Rhode Island Foundation awarded a grant to the Office of the Child Advocate to develop and print a handbook on laws affecting juveniles in R.I. for general distribution. The *Handbook on Juvenile Rights in R.I.*, will be distributed to teenagers, professionals, service providers and parents and advocates from other states. The purpose of the handbook is to create greater awareness of the legal rights of juveniles among members of the general public, physicians, social workers, judges, CASA volunteers, law enforcement officials and other child welfare professionals. This handbook will not only provide details regarding the existing legal structure, process and parameters of the R.I. Juvenile Justice System but also will assemble a list of appropriate services and providers in the juvenile justice field. Through this project, a brochure has also been developed for distribution to youth during Law Day 2003 visits to local middle schools and high schools in Rhode Island.

During the summer of 1998, the OCA developed a web page. The web page was updated in 2002 to provide the latest information about the OCA, the Laws Affecting Children and legislation enacted in the RI General Assembly in 2002. The web page also posts a Survey on Children's Ombudsman Offices in the United States, and summaries from the *Office of the Child Advocate Handbook on Child Welfare in Rhode Island*. It is readily available via www.child-advocate.state.ri.us. Numerous public and private agencies throughout the country have accessed this site in the form of requests for information and data about our Office. This year, we were contacted by legislators in Texas and Missouri, who were interested in creating an Office of the Child Advocate in their state. Information on our web site has been an invaluable resource to the public.

The Office publishes and distributes copies of an informational brochure and poster outlining the "Children's Bill of Rights" statute to interested individuals and to all licensed residential child care providers. A brochure, written in both Spanish and English, is distributed to residents on site visits by OCA staff. It describes their rights in plain and simple language and offers referral sources particularly appropriate to children in the care of the state. Over

1000 copies of the brochure were distributed in 2002. The Office has provided technical assistance to R.I. KIDS COUNT in the development of its 2002 Rhode Island KIDS COUNT *Factbook*.

On numerous occasions, the Child Advocate and staff have participated in or planned training workshops and seminars on child abuse reporting laws, child fatality reviews, institutional abuse prevention, new legislative initiatives in adoption and permanency planning and on children's rights.

In 2002, the Child Advocate served as guest speaker in numerous forums, including:

- ☐ The Urban League
- ☐ South County Mental Health Annual Meeting
- ☐ American Academy of Pediatrics Awards Banquet
- ☐ Bradley Hospital
- ☐ St. Mary's Academy, Bay View
- ☐ Adoption R.I. Annual Adoption Conference
- ☐ Women's Resource Center – 25th Anniversary – Keynote speaker
- ☐ Catholic School Principals Orientation-Training on Child Abuse Reporting Laws
- ☐ St. Mary's Home for Children, Annual Meeting
- ☐ Rhode Island Legal Education Partnership – Keynote
- ☐ Girl Scouts of Rhode Island Corporate Breakfast - Keynote

Presentations made by the Child Advocate and other staff members:

- ☐ APSAC 10TH annual Meeting – New Orleans, Louisiana
- ☐ R.I. Law and Education Partnership – Role of Child Advocacy
- ☐ Rhode Island College – Social Work and the Law
- ☐ Juvenile Defender Leadership Summit – Phoenix, Arizona

The Office has responded to several hundred individual inquiries from callers and the media seeking information relating to the rights of children. Finally, the Office promotes public awareness of children's issues by releasing reports as public documents generally available to the citizens of the state.



G. Children's Policy Development

In addition to its continuing advocacy for more comprehensive and creative solutions to the night-to-night placement problem and the physical and programmatic issues at the Training School, the Office supports efforts to

develop a system of care that accommodates the needs of children placed in DCYF custody both in residential facilities and in the community. The Child Advocate served as Chairperson of the Current Reality Subcommittee of the System of Care Task Force. Their findings confirmed that the population in DCYF placement is overwhelmingly adolescent. Work continued throughout 2002 on the design of the “Ideal System of Care”. A final report was issued by DCYF in January 2003.

The Office plays an integral role in numerous other policy initiatives involving children’s issues. The Child Advocate is a member of:

- ☐ Executive Board of the Rhode Island Children’s Policy Coalition
- ☐ KIDS Count Board of Directors
- ☐ Mental Health Association of Rhode Island, Executive Board
- ☐ Providence Cranston Workforce Investment Board – Youth Council Chair
- ☐ Prevent Child Abuse Rhode Island Board of Directors
- ☐ The Children’s Trust Fund Board of Directors
- ☐ Child Welfare Institute, Advisory Board
- ☐ National Association of Counsel for Children
- ☐ New England Juvenile Defender Center, Executive Board
- ☐ Family Court Bench Bar Committee, R.I. House of Delegates
- ☐ Family Court Drug Court Advisory Board

Other members of the staff serve on:

- ☐ Permanent Legislative Commission on Child Care
- ☐ DHS Advisory Committee on Child Care
- ☐ The Children’s Justice Task Force
- ☐ Special Needs Adoption Committee
- ☐ DCYF Adoption Policy Task Force
- ☐ R.I. Justice Commission: Juvenile Justice Advisory Committee, Co-Chair
- ☐ DCYF Child Care Regulations Committee
- ☐ DCYF Restraint Regulations Committee
- ☐ R.I. Statewide Child Death Review Committee
- ☐ Children’s Mental Health Advisory Committee and Evaluation Task Force
- ☐ RITSY Gender Specific Programming Committee
- ☐ NASW Nomination and Leadership Committee, Chair
- ☐ Juvenile Officers Association: Awards Banquet Committee
- ☐ Elizabeth Buffum Chace House: Board of Directors
- ☐ Women & Infants Hospital, Vulnerable Infants Program: Board of Directors

Staff Awards:

- ☐ Dotti Gardiner – recipient of 2001 Rhode Island College Alumni Award for Social Work
- ☐ Laureen D’Ambra – recipient of Annual Award from The American Academy of Pediatrics, Rhode Island Chapter

H. Legislative Advocacy



During the 2002 legislative session, the Child Advocate testified in support of bills that would establish and fund statewide educational and public informational seminars to increase awareness of the devastating effects of “Shaken Baby Syndrome” and require comprehensive home studies on prospective adoptive parents. The office also supported two resolutions that required DCYF to report to the legislature regarding its efforts and plans to resolve night-to-night placement.

However, the DCYF budget and the allocation of resources by DCYF was the most pressing legislative concern of the OCA. In her testimony on the 2002 supplemental budget and the FY 2003 budget, the Child Advocate urged the committee to adopt recommendations from the RIPEC Report of January 2001 and the CPC Response to address the placement needs and community services for children in DCYF care. The OCA made a specific plea to the legislature to fund family treatment, wraparound services, aftercare, outreach and tracking, crisis intervention and other community based initiatives to pave the way for adolescents to return from out of state placement, to ultimately return home, and to avoid their placement in state care in the first place. Targeted funds for step down beds to reduce the number of adolescents in psychiatric hospitals was requested as well as a specific appropriation for a diagnostic assessment center/capacity for adolescents upon their first entry into state care.

In addition to her testimony on DCYF’s budget, the Child Advocate lobbied extensively and served as a consultant to legislators, policy makers and citizens concerned about children’s issues. The Child Advocate and staff from the Office attended all meetings of the DCYF Permanent Legislative Oversight Commission and the Child Care Commission. In conjunction with Channel 36 and the Rhode Island Children’s Policy Coalition, the Child Advocate also served as Executive Producer of a live televised gubernatorial forum with the primary election candidates on children’s issues, as well as a luncheon with the General Election Gubernatorial Candidates at Bradley Hospital.

I. Other Investigations



Investigations are prompted by complaints to the Office from parents, providers, school personnel and other professionals. These complaints include questions about the treatment of residents at the Training School and residential facilities, alleged violations of the Children’s Bill of Rights, concerns about the advisability of returning children home after incidents of documented abuse/neglect by their parents and decisions made by CANTS in response to citizen complaints.

In 2002, the Office also responded to several inquiries regarding perceived failures in permanency planning for children. Each were addressed by Office staff who then made referrals to DCYF, CASA or other professionals regarding interventions to facilitate/expedite permanent planning for these children. These inquiries led to a review by the Office of the status of termination of parental rights appeals. The Child Advocate met with the Chief Justice, who pledged to take all necessary steps to expedite these appeals. Termination of Parental Rights appeals are according priority status in the Supreme Court. The Chief Judge of the Family Court ordered priority consideration to the completion of TPR transcripts, an accelerated process for entry of written decrees, and focused on the need for CASA attorneys to object to unnecessary continuances. This emphasis on resolution of appeals of Termination of Parental Rights paves the way for implementation of permanency plans for these children.

K. Litigation



Over the years, the Office of the Child Advocate has initiated and/or joined other parties in litigation in the Family Court, the Federal Court and the Rhode Island Supreme Court to promote the interests of children.

Night-to-Night Placement



In August 2001, the Child Advocate entered into a Second Amended Consent Decree, the third consent decree in these proceedings that have extended over the past 16 years. The Second Amended Consent Decree (SACD) reaffirmed the principle that Night to Night placement is unacceptable, even for a single night. It requires DCYF to assure that children are transported to their schools when an unusual placement emergency occasions a Night-to-Night placement. It requires DCYF to bolster their efforts to identify, recruit, and train foster parents for adolescents, to provide on-going support to existing foster families and to consider additional incentives to attract foster parents for this population. It mandates a team meeting within two business days when a youth is faced with an unexpected discharge from a placement to review available options and to prevent precipitous transfers. Lastly, DCYF agreed to solicit program descriptions for a short term, comprehensive diagnostic center or capacity to assess children newly placed in state care and create service plans that promote family reunification or make recommendations regarding placements. DCYF was required to submit a Compliance Report on or before February 1, 2002.

After the Compliance Report was reviewed, the parties met on March 11, 2002. The numbers of children placed night-to-night was escalating and it was clear from the Compliance Report and the issues discussed that the director was not meeting all of his responsibilities under the SACD. Indeed, he admitted that children continued to be placed night-to-night despite the prohibitions against

this in the SACD. In a letter dated April 10, 2002, DCYF Chief Legal Counsel stated, "The Department does not dispute that there has been an increase in the number of children being placed in night-to-night placement status during the months of February and March 2002 ... The data reflects that for the month of February of 2002 there were an average of 26 children placed on night-to-night placement on a weekly basis. For the month of March 2002, there was an average of 22 children placed on night-to-night status on a weekly."

On April 3, 2002, this office gave notice of its intention to initiate contempt proceedings on or before April 24, 2002, if the Director did not take immediate measures to eliminate night-to-night and suspend the moratorium on out-of-state placements. It should be noted that before the moratorium, DCYF had complied with the SACD, resulting in an 80% reduction in children placed on night-to-night. The moratorium had a drastic impact on night-to-night and resulted in an escalation even higher than the year the Office of the Child Advocate brought the contempt action. On April 10, DCYF counsel responded and requested further meetings to discuss the issues. On April 22, 2002, this office agreed to a meeting on April 29 or April 30, pending confirmation from the Director. However, he could not fit a meeting into his schedule until May 14, May 15 or May 24. Given the fact that since the original meeting of March 11 to April 24, an additional 88 children/youth had been placed night-to-night utilizing an additional 244 bed nights, the OCA refused to accept further delay. Accordingly, contempt proceedings were initiated on May 2, 2002. (Over 240 children/youth had been placed on night-to-night from January 1, 2002 to May 1, 2002.)

Rather than engage in meaningful negotiations on the substantive issues prior to court action, Director Lindgren hired private, non-agency counsel who moved to dismiss the original action, for the first time in sixteen years. However, Throughout the 2002 litigation process, meetings with DCYF counsel and others occurred regularly. Indeed, numerous telephone conversations were followed by meetings on June 4, June 7, June 21, July 10 and September 3. However, DCYF never presented any solutions that would ensure their compliance with the Consent Decree. In fact, virtually nothing was done to ameliorate the night-to-night problem during the pendency of the Motion to Dismiss.

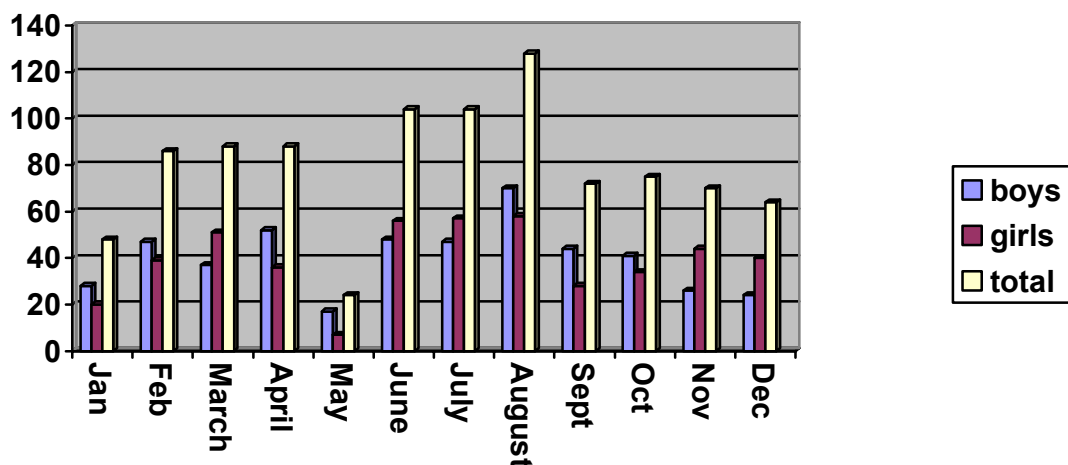
On November 26, 2002, Magistrate Judge Lovegreen issued his Report and Recommendation rejecting all of the Director's arguments in support of his Motion to Dismiss. Again, rather than proposing any real solutions to night-to-night placement of children, the Director choose to object to the Magistrate's ruling and further protract the legal proceedings, again utilizing private counsel. He requested to extend the deadline to January 31, 2003 for filing memoranda in support of his objection to the Magistrate's report. Since the OCA filed it's Motion to Adjudge in Contempt in May 2002, there have been repeated, continuous violations of the Second Amended Consent Decree resulting in egregious harm to the children and youth being placed on night-to-night placement by the defendant.

In 2002, 487 children/youth were placed night-to-night for at least one night. The total number night-to-night placement episodes of children/youth were 951, a significant increase over the number of children placed night-to-night in 2001. The total number of bed nights utilized was 2322, a fifty percent increase over 2001. In a letter to the Child Advocate, dated December 2, 2002, Mr. Lindgren admitted that night-to-night placement continues “at a high rate”.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
B	28	47	37	52	17	48	47	70	44	41	26	24
G	20	39	51	36	7	56	57	58	28	34	44	40
T	48	86	88	88	24	104	104	128	72	75	70	64

There were an average of 73 night-to-night placements per month in 2002, utilizing an average of 194 bed nights monthly. Night-to-night placements for boys (481) slightly outnumbered those for girls (470) during 2002.

NIGHT-TO-NIGHT PLACEMENT 2002



The OCA will continue in 2003 to take all possible action to resolve the night-to-night placement problem.

2. The Training School



In 2001 an Amended Consent Decree updated the earlier Consent Decree and requires that DCYF take all steps necessary to bring the Rhode Island Training School's facility up to certification standards of the American Correctional Institute. Although it was agreed that compliance would require construction of a new facility designed to suit the size, security and programming needs of Rhode Island's juvenile population, progress

has been slow. Questions arose regarding the site chosen to build the new Training School and it's design was not finalized by the end of 2002.

Throughout 2002, representatives from the OCA attended meetings with the federal masters. In addition to review of the plans for the new training school these meetings focused on continuing problems with the ITP process; siting, design and programming of the new training school; and facilities for services to female residents, and the educational and vocational needs of residents.



3. The Surrogate Parent Suit. In accordance with federal special education law, the Consent Decree resulting from this suit mandates that the Department of Education and DCYF implement a program to appoint educational surrogate parents for special needs children in the care of DCYF. Subsequent to the entry of this Decree, and after years of monitoring compliance, in 1994, the Office withdrew as the legal representative of DCYF children, leaving Rhode Island Disability Law Center as their sole attorney of record. Since then the OCA has provided surrogate parent services directly to 1000-1200 entitled children annually, in accordance with a Cooperative Agreement with the R.I. Department of Education. This program has served as a model program and was featured in the KIDS Count publication "Ideas That Work." Continuation of the Cooperative Agreement between the OCA and RIDE is currently in dispute, due to funding issues. The Office and RIDE's compliance with the provisions of the federal Consent Decree is monitored through quarterly meetings. (See: Educational Surrogate Parent Program, pages 27-31, *infra*)

L. Miscellaneous Office Activities

Staff of the Office of the Child Advocate also promotes the interests of children and discharges the Office's statutory responsibilities by service on various public panels and commissions apart from those mentioned in earlier sections of the report. Among those on which the staff has served are the Family Court Bench Bar, R.I. Bar Association House of Delegates. The Child Advocate serves as co-chairman of Project Undercover, sponsored by The Girl Scouts of Rhode Island, which encourages scouts and others to collect undergarments and diapers for needy children.



Staff members receive on-going training through attendance at community conferences, in-service trainings and regular staff meetings. The Child Advocate and her staff provide ongoing training to professionals and others working with children and youth.

Project Victim Services

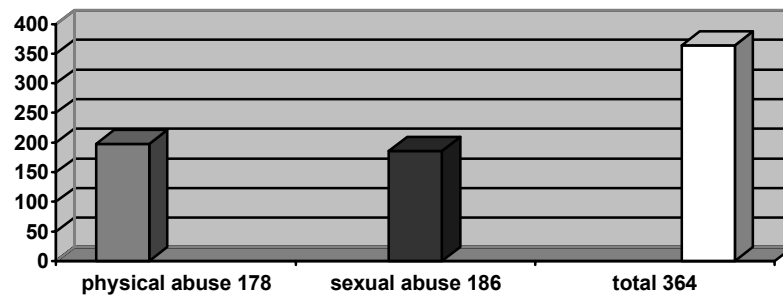
A VOCA grant for 2002 from the Governor's Justice Commission enabled the Office to continue with Project Victim Services. A case manager, funded from the grant, discharges the tasks of the project, which include screening cases for potential claims; contacting social workers, counselors and victims, (where appropriate); accessing and assembling medical and counseling records, police reports and psychological evaluations; assisting victims in the preparation of a victim impact statement and filing of administrative claims. When awards are made and actually received, the case manager contacts the victim and arranges for the appropriate disbursement of the funds, depending on the age/status of the victim.

This project assists criminally abused child victims in state care by helping them access the state's Violent Crime Indemnity Fund and by ensuring that the children are connected with all appropriate support services. The project has enjoyed the enthusiastic support of a variety of governmental and community leaders in the state. The project cooperates with the Attorney General's Office, local and state police departments, DCYF, CASA, mental health providers, foster parents and other child-care providers to improve the plight of child victims of crime.

The office files claims for pain and suffering on behalf of child victims in state care, where a police report documents the allegation of a violent crime that occurred before September 1, 1999. The case management coordinator reviews all referrals to determine if the case meets the criteria for filing, which includes: a police report of a crime compensable under the statute and a history of counseling of the victim due to the crime. Many CANTS reports contain allegations of abuse, but few are indicated or have criminal charges pending. When the case does not meet the requirements for the office to complete an application for victim's compensation, assistance is provided and referrals are made to other agencies.

In 2002, the project responded to 364 referrals. Referrals are gleaned from a quarterly review of institutional abuse reports that are forwarded from CANTS, as well as direct referrals from social workers, counselors, police departments, foster parents, therapists, CASA and the Attorney General's Office. Of the children referred, 178 were physical abuse victims, 186 were sexual abuse victims.

2002 Project Victim Services Referrals



Awards totaling over one million three hundred (\$1.3 million) dollars have been obtained for 91 claimants whose cases have been settled since the inception of the project. In 2002, the Office dispersed \$272,097 in awards for pain and suffering to 16 victims. For children under 18 upon receipt of the award, the funds are placed in trust until the child's twenty-first birthday. Eleven clients who received the awarded funds in 2002 were eighteen (18) years of age or older. Nine of these awards were distributed directly to the client victims because they had aged out of the DCYF system or because DCYF had closed their cases. For two victims, now adults who have special needs, Victim's Compensation awards were placed in trust with James Healy, Director of ARC of Rhode Island. Awards received in 2002, for the other five clients are being held in trust by the Child Advocate, adoptive parents, or court appointed trustees until the client's twenty-first birthday. In 2002, the Child Advocate acted as Trustee of seven awards made to minor victims whose monies were invested conservatively pending their twenty first birthday.

As of December 31, 2002, no cases filed by the Office of the Child Advocate are pending in the court-based system. Moreover, all children whose cases were settled by the OCA through the court system received their awards by December 31, 2002. Eighty-three (83) cases filed by the OCA are currently pending in the administrative system. In 2002, the Office filed 24 claims on behalf of children and prepared an additional 6 cases that will be filed in 2003 upon receipt of police or counseling reports.

EDUCATIONAL SURROGATE PARENT PROGRAM



Our commitment to providing high quality services to the youngsters in our Program and to the volunteer advocates who have agreed to act as educational surrogate parents for some of those youngsters continues. Program staff pays special attention to providing support, backup, and ongoing training to volunteers. Program staff participates in relevant community workshops, as trainers and trainees. Program staff reflects our community and include women of color, parents of children with disabilities, and adoptive parents.

Program Statistics



The program provides educational advocates for 1000-1100 youngsters with disabilities annually who are in the care of DCYF and whose parents are unable to act on their behalf in education matters. Since November 1994, the program has served 2939 children. In 2002, 250 cases were opened and 160 cases were closed. As of December 2002, three full-time advocates, four part-time advocates, and the Program Director are providing services to approximately 1028 youngsters in the care of DCYF.

Since assuming responsibility for the Educational Surrogate Parent Program, staff have attended 6473 IEP meetings, including 742 IEP meetings in 2002; 3487 school conferences, including 343 in 2002; 361 DCYF/CAASP case reviews, including 7 in 2002; 1505 site visits, including 154 site visits in 2002; and 224 family visits, including 19 visits in 2002. Despite the lack of additional staff, the workload of the advocates increased by approximately 10% across the board since 2000. One area of increased attention is the crucial area of disciplinary meetings. Staff attended 62 such meetings in 2002.

The Office has conducted trainings for 534 foster parents, including 21 foster parent trainings in 2002. Program staff provided support, information and/or backup to volunteer advocates on at least 82 occasions in 2002. Lastly, in 2002, the staff attended 263 MDT meetings, and 14 discharge planning meetings.



The feedback we receive from local communities, agencies and service providers continues to be positive. A measure of the Program's success is that more and more of our older youngsters are graduating from high school or receiving a GED and continuing on to college. During the past year, 15 of our students graduated and 3 were awarded a GED.

Volunteers

The program continues to emphasize recruiting, training, supervising and supporting volunteers, especially family members who are caring for children in our program. The majority of our volunteers continue to be non-relative foster parents who are already actively involved with the youngster in their care. Every foster parent is contacted when a referral from R.I.D.E. is received in the Office, and is asked if s/he would be willing and able to participate in any level of advocacy. When a foster parent agrees to participate, training is provided by staff. The training provides an overview of special education regulations, with an emphasis on issues relevant to the particular student. Staff and volunteers review the educational history of the child and develop a specific plan for

assuring that the educational needs of that child are met. Twice yearly, a mailing is sent to volunteers and they are asked again if the program staff can provide any assistance and/or materials.

During 2002, 21 new foster parents were trained to act as educational surrogates. Consistent with trends over the past five years, the number of available foster parents in Rhode Island has declined significantly, accounting for fewer foster parents who act as educational surrogates for children in their homes. In 2000, approximately 18% of our cases were assigned to foster parents, while in 2002 we had approximately 14% of our cases assigned to foster parents. At the present time, more than 135 youngsters are represented by foster parent volunteers, including 16 by relatives.

Many foster parents are unavailable because they are working outside of the home while others are reluctant to deal with school systems. When a foster parent declines to act as educational surrogate, Program staff work with them around school meetings, providing them with information and support, and periodically ask them to re-consider assuming advocacy responsibility for the child/ren in their care. During 2002, staff provided assistance to foster parents on more than 80 occasions.

Parent As Advocate



At the present time the parents of fifty-three children have been designated to act as educational advocates for their child/ren. Although we do not and cannot require parents to be trained by staff prior to appointment, we do offer training and support to these parents who want it. Parents are sent special education information, including the Parents' Guide to Special Education, and a letter telling them that they can call specific program staff for assistance.

Interagency Cooperation



Program staff continues to work closely with community agencies, local school districts and other service providers, as much as possible. Program staff takes steps to make sure that DCYF and/or CASA workers are invited to school meetings and that appropriate school personnel know how to reach the DCYF workers.

Program staff work as closely as possible with DCYF staff to transition educational services for youngsters who are moving between placements in an attempt to avoid enrollment or program start up delays. DCYF workers regularly contact program staff for information about services being provided to youngsters in their care. Program staff try to ensure that DCYF workers are

contacted about school meetings and encourage them to attend. Recently, more DCYF workers have actively considered possible school attendance problems when they are making placement decisions.

The Program continues to send a copy of the appointment letter to CASA whenever the R.I.D.E. referral indicates CASA involvement. CASA updates the program when the appointed Guardian ad litem is changed, or when a significant change will take place in the child's life, which will impact his/her education. CASA staff often contact the program with questions about the educational services being provided to youngsters we jointly serve. Program staff contacts CASA when educational issues arise. CASA's volunteer coordinator has asked us to provide training for volunteers, new and experienced, regarding an overview of our program and how we can work together more effectively.

The program continues to receive many calls from community members seeking information about special education and/or child welfare issues. Callers include parents of children with disabilities, school personnel, DCYF workers, residential providers, social service agency providers and many others. We attempt to provide a minimum level of information to persons who are calling on behalf of youngsters in state care, while referring the caller to other agencies, if appropriate, for more complete assistance. Program staff has been provided with a list of resources for referral to individuals who call regarding youngsters who are in State care. The most frequent request for assistance that we receive is for an "advocate" to assist a parent/caretaker in obtaining appropriate special education services.

Systemic Educational Issues Involving Children in State Care



The most significant educational issue faced by youngsters in State care is the interruption of educational services whenever a child changes placement. Some children move several times each year. Enrollment delays continue, although more and more school districts are more sensitive to their responsibility to effect enrollment without delay and are taking steps to implement RIDE enrollment instructions. "Residency" disputes, transfer of school records and delays in implementing IEPs continue to slow down and/or prevent school attendance when youngsters change placements. The educational loss to these children is irreparable.

Enrollment delays present especially difficult problems for high school age youth who are trying to acquire enough credits to graduate in a timely manner. Program staff routinely send copies of the RI law and RIDE enrollment letters to DCYF workers, shelter care providers or foster parents having difficulty with school enrollment. Gradually, more and more school districts are becoming aware of their responsibility to facilitate enrollment and attendance of youth in state care.

Program staff has also been working on developing a protocol for provision of educational services for youngsters in psychiatric facilities. Meetings have been held with RIDE/OSN, Bradley Hospital and with the Disability Law Center. Follow up meetings are needed to ensure that the agreed upon protocol will be implemented.

When our students' living arrangements change, staff makes every effort to assist in the transfer of current educational records in as timely a manner as possible. The assigned staff member immediately contacts the Special Education director in the district that the child is moving to so that transition planning can begin. Whenever possible, staff work closely with school personnel to identify the necessary educational services based on the current Individualized Education Plan (IEP) before the child actually moves, so that there is no delay in implementation when the move takes place.

RECOMMENDATIONS

In conclusion, the Office of the Child Advocate will continue its mission and statutory mandate to focus on the legal rights of children and youth in state care. The demands on the Office and its staffing needs have increased dramatically in the past twenty-two years. It is hoped that the Office will continue to receive sufficient funding and support to meet the needs of the children and youth we represent.

The Office of the Child Advocate recommends that services to children and families, especially those involved with the State child welfare system, be among the highest priorities of the Rhode Island community. Elected officials in Rhode Island have been responsive and sensitive to the plight of children in state care and we hope that they will continue to provide for our state's most vulnerable children.

Throughout 2002, the escalation of night-to-night placements forced this Office to bring the Department of Children, Youth and Families (DCYF) back into Federal Court on contempt proceedings. The night-to-night statistics for 2002 are documented in this Annual Report. We intend to continue to aggressively monitor DCYF's compliance with all provisions of the Second Amended Consent Decree. We will also work with the new administration to develop solutions to the problem.

It should be noted that there has been no surge in the number of children served in out-of-home care since the onset of this continuing crisis, but the amount of dollars allocated to DCYF has significantly increased. The state expends approximately \$1.5 million in overtime payments alone relative to DCYF staff individually managing and transporting children in night-to-night care. In 2002, 487 youth used over 2300 bed nights in night-to-night placements.

Directly related to the night-to-night crisis is the dearth of families providing foster care for adolescents. This continues to be a major gap in our continuum of care. The Department's foster home capacity significantly diminished throughout the 1990's (330 slots lost since 1997). We need to prioritize efforts to recruit, train, and retain foster parents in this fiscal year. We are hopeful that a foster family recruitment initiative, particularly for adolescents, will be supported by DCYF and all three branches of government. Efforts to develop therapeutic foster care must also continue.

Obviously, increased community-based services should be targeted for high-risk children, particularly wayward youth, before their family situations become so untenable that they require DCYF placement. Community-based resources and youth diversion programs must be broadened to provide alternatives for delinquent youth. Intensive aftercare services for youth at the Rhode Island Training School must be funded to expedite the readjustment of youth to their schools and their reintroduction into our communities, as well as a reduction in recidivism.

We submit to the Governor, the Rhode Island Legislature, and DCYF the following recommendations:

- Develop financial incentives to build and maximize in-state residential placement capacity, particularly for special populations;
- Design a public relations campaign for statewide recruiting of foster families by DCYF recruitment and private providers.
- Develop public and private Foster Care Units (i.e. within DCYF and one or more private agencies) with staff that will be dedicated to and accountable for managing recruitment, training, licensing, placement, support and retention of foster families.
- Increase foster care reimbursement rates, provide tax incentives and medical benefits, and consider changes to licensing regulations that do not automatically prevent families from having a childcare license and a foster care license.
- Strategically mandate CIS, crisis intervention, and/or other child welfare wrap-around resources that are flexible and can be used to intervene and assist families that might otherwise disrupt.
- The Governor's Office must broker and facilitate how DHS and DCYF will use Medicaid to assist in capacity building community-based resources that will address the needs of high-risk families that are being served by the child welfare system. In the long term, this will result in greater quality services and cost efficiency.

Confronted with the challenges of this budget cycle, efforts should result in a better utilization of limited resources to best meet the needs of children and youth in Rhode Island. The Governor and his staff must assist DCYF in addressing the organizational, management and practice concerns that impede the Department from consistently strengthening families and effectively using its resources.